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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,289	12/19/2001	Bradley W. Johnson	720.505	8117
21707	7590	05/24/2004	EXAMINER	
IAN F. BURNS & ASSOCIATES 1575 DELUCCHI LANE, SUITE 222 RENO, NV 89502			MENDOZA, ROBERT J	
			ART UNIT	PAPER NUMBER
			3713	9

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/026,289

Applicant(s)

JOHNSON ET AL.

Examiner

Robert J Mendoza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date .
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. .
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1, 2, 5 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by
Ornstein (USPN 5,570,885).**

Regarding claims 1 and 6, Ornstein, in FIGS. 1-7, col. 3:21-67 and col. 4:1-67, discloses an improved game apparatus of the type used to play a primary table game of chance, the improved table game apparatus comprising in combination a gaming table having a plurality of game player locations adjacent to which a plurality of game players may play the primary table game of chance and place at least one primary game wager in connection with the primary game of chance. Ornstein, in FIGS. 1-7, col. 3:21-67, col. 4:1-67, col. 5:1-67 and col. 6:1-35 discloses a video display mounted adjacent the gaming table whereby each player among the plurality of game players may simultaneously view the video display while at the game player locations, a plurality of video contents sources, a video input controller having multiple video inputs and a video output, each of the video inputs being in communication with at least one of the video content sources, and a digital computing unit in communication with the video input controller and with the video display and providing video output information to the video display, whereby the plurality of video contents sources, the video input controller, the video display, and the

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computing unit cooperatively provide at least a plurality of types of supplemental video content viewable by each among the plurality of game players while at the plurality of game player locations at the gaming table.

Regarding claims 2 and 5, Ornstein, in FIGS. 1-7, col. 1:1-67, col. 2:1-67 and col. 3:21-67, discloses a game table input device mounted in association with the gaming table within reach of at least one of the plurality of game players, and in communication with the digital computing unit whereby at least one game player may input commands to the computing unit.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4 and 7-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ornstein in view of Itkis (USPN 4,856,787).

The disclosure of Ornstein has been discussed above and is, therefore, incorporated herein. Regarding claims 7, 9, 12, 13 and 15-37, Ornstein, in FIGS. 1-7, col. 5:1-67 and col. 6:1-67, discloses a system computing server and a plurality of video displays in communication with the system computing server through the video content distribution network, each of the video display being mounted adjacent at least one gaming table. Ornstein, in FIGS. 1-7, col. 5:1-67 and col. 6:1-67, discloses a side wagering game program portion. Ornstein, in FIGS. 1-7, col. 5:1-67 and col. 6:1-67, discloses a video content includes at least a text banner, advertising content, sports content and music entertainment content.

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However, Ornstein lacks in disclosing providing at least one game player with opportunity to also participate in a *supplemental game* conducted at least in part in conjunction with video *content displayed* on the *video display* viewable to at least one game player. Itkis, in an analogous concurrent game system, teaches, in col. 1:50-57, the slave game devices execute in real time (play) *concurrently a number of menu-selectable card and chance* games, such as bingo, keno, poker, blackjack, and the like. The status of all the games being played with the help of a slave game device is presented on a touch screen display in individual windows dedicated to specific games. Itkis discloses such features with the intention of allowing game players to play *multiple games (supplemental games)* on a single display screen. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Itkis into the disclosed invention of Ornstein. One would be motivated to combine the teachings of Itkis with the disclosure of Ornstein in order to, allow game players the opportunity win more monetary prizes and increase the excitement of the gaming table.

Response to Arguments

Applicant's arguments with respect to claims 1-37 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Mendoza whose telephone number is (703) 305-7345. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg, can be reached at (703) 308-1327. The USPTO official fax number is (703) 872-9306.

RM

RM
May 19, 2004

JOHN M. HOTALING, II
PRIMARY EXAMINER

